

## REMARKS

Claims 1-20 are pending in the application. Claims 1-20 have been rejected in this Final Office Action. In particular, the Examiner has rejected claims 1-2 and 8-9 under 35 USC 103(a) as being unpatentable over Watanabe et al. (US Patent No. 6,285,662) and Gummalla et al. (US Patent No. 6,614,799). The Examiner has also rejected claims 3-7, 10-15 and 17-19 under 35 USC 103(a) as being unpatentable over Watanabe et al. and Gummalla and further in view of Chiu et al. (US Patent No. 5,734,833). Claims 16 and 20, although addressed in the last Office Action (112 rejection which has now been corrected), are not mentioned in the Office Action.

### **Rejection of Claims 1-2 and 8-9 under 35 USC 103(a) and Rejection of 3-7, 10-15 and 17-19 also under 35 USC 103(a)**

The Examiner's 103(a) rejection are now moot in view of the amendments made to claims 1, 9, 10, 16, 17 and 20. Claims 8, 15 and 19 have been canceled. Neither Watanabe nor Gummalla nor Chiu each by themselves or in any combination with each other discloses a network and system for resolving data collision where a second back-off window is based at least in part on a smallest integer equal to or greater than a number, which number results from a product of a number of collisions that occurred within the first back-off window and an average of number of users in the network involved in a collision when the number of users in the network is relatively large. This particular calculation of the second or subsequent back-off window is disclosed as part of the Near Optimal Fairness (NOF) algorithm discussed in the application submitted by Applicant. In the NOF algorithm, the second or subsequent back-off window is based on a particular mathematical approach that not only includes the number of collisions that occurred during the first back-off window but also includes a value representing the average number of users involved in collisions that occur in the network as the number of users in the network approach infinity---(i.e., relatively large number of users). None of the cited

references disclose, suggest or even imply the calculation of the second or subsequent back-off window in this manner.

The Examiner's rejection based on double patenting for a copending application is also moot in view of the amendments discussed above. As with the references, the copending application cited by the Examiner ( Application No. 09/652,153; Lucent docket no. Feder 8-1) does not disclose the calculation of the second back-off window in the manner recited by the amend claims.

In view of the above discussion claims 1-7, 9-14, 16-18 and 20 are now allowable.

**Request for Reconsideration pursuant to 37 CFR 1.111**

Having responded to each and every ground for objection and rejection in the Office Action mailed on March 10, 2005, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and respectfully requests that the Examiner allow claims 1-7, 9-14, 16-18 and 20 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicant's counsel who can be reached at the telephone number listed below.

Respectfully,  
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